

AT PART 2 OF THE SUPREME COURT OF
THE STATE OF NEW YORK, COUNTY OF
NEW YORK, AT THE COURTHOUSE
LOCATED AT 60 CENTRE STREET, NEW
YORK, NY ON THE 11 DAY OF JANUARY,
2017.

HON. KATHRYN FREED
PRESENT: JUSTICE OF SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

X

NEW YORK DIALYSIS SERVICES, INC.,

Index No. 650170 - 2017

Petitioner,

**ORDER TO SHOW CAUSE TO
STAY ARBITRATION**

-against-

NEW YORK STATE NURSES
ASSOCIATION,

Respondent.

X

Upon the annexed Affidavits of Courtney Gordon and Eve I. Klein and the exhibits annexed thereto, and the Petition and Memorandum of Law, and upon due deliberation and sufficient cause being alleged therefor it is,

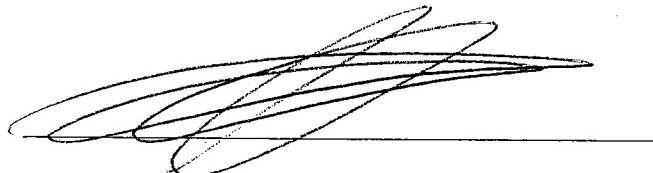
ORDERED that Respondent New York State Nurses Association ("NYSNA") show cause before this Court at _____ to be held at the Courthouse on January 3rd, 2017 at 2:30 p.m. why an order should not be made permanently staying the arbitration requested by NYSNA on December 21, 2016 on the ground that Petitioner New York Dialysis Services, Inc. ("NYDS") is not a party to a valid agreement to arbitrate with NYSNA because the collective bargaining agreement between NYDS and NYSNA is expired and on the ground that

the issue NYSNA seeks to arbitrate is already before the National Labor Relations Board (“NLRB”) pursuant to unfair labor practice charges filed by NYSNA and NYDS, and the NLRB has superior jurisdiction over the dispute that is the subject of the NYSNA Demand for Arbitration; and it is further

ORDERED that, Respondent shall serve their answering affidavits at least 7 days before the hearing, and Petitioner shall be entitled to serve a reply or responding affidavits at least 2 days before the hearing. *A courtesy copy of any paper served must be provided to the court within SUFFICIENT REASON being alleged, let overnight mail service be made upon Respondent New York State Nurses Association by JAN 16 2017*

The same time period.

ENTER:



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